



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
September 2, 2010
APPROVED

Attachments:

1. Meeting Agenda
2. 41 Phalanx Street – Special Permit Application for T.I.L.Q. – 8/5/10
3. Building Department 41 Phalanx St. Project Comments – 8/16/10
4. Fire Department 41 Phalanx St. Project Comments – 8/19/10
5. Board of Health 41 Phalanx St. Project Comments – 8/23/10
6. David E. Ross Associates - 72 Red Gate Rd.; Morgan Way Detention Basin – 9/1/10

Members Present: Steve Nocco, Chairman
Tom Delmore, Vice Chairman
Bill Gramer
Steve O'Neill
Jesse Johnson, P.E.: David E. Ross Associates
Pamela Berman, Administrative Assistant

Members Absent: Jim Miller

7:00pm - Meeting called to order by Chairman S. Nocco

7:02pm 41 Phalanx St. – Special Permit Application for Temporary Independent Living Quarters (T.I.L.Q.)

S. O'Neill: Motion to waive the reading of the abutters list.

B. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. O'Neill: Motion to waive the reading of the legal ad.

B. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Homeowner Christopher Black appeared before the Board regarding his application for a Special Permit for a T.I.L.Q. This property had previously been permitted a T.I.L.Q., but was recently sold, thereby terminating the terms of the Special Permit. Therefore, it is necessary for the new homeowner to re-apply for a T.I.L.Q. Special Permit.

The Board of Health submitted comments regarding the capacity of the septic system with that many bedrooms and people living in the home. Mr. Black indicated that there are 11 people living in the home, 7 of them are children, and 4 bedrooms. There have been no problems with the septic system as it is a fairly new system with a capacity of 1500 gallons. Based on Mr. Black's testimony, the Board did not feel that there would be any issues with the septic system.

The Building Inspector submitted comments regarding the lack of a second means of egress direct to the exterior from the proposed bedroom. S. Nocco reported that he had spoken to the Building Commissioner Mark Dupell concerning his comments. Mr. Dupell said he would require this issue be resolved within 6 months of the date of the permit approval. S. Nocco went on to add that the Board could make the Special Permit contingent on that condition.

The Fire Department submitted comments regarding the necessary upgrade to the smoke/carbon monoxide detectors to the current standards. The Fire Code was updated in January of 2010 and the Fire Department is required to inspect the premises for proper permits for upgrading the smoke and Carbon Monoxide detectors in the home. S. Nocco indicated that the approval could be contingent on meeting those requirements. Resident Ray McDonald of 177 Westford Road asked how many bedrooms are in the basement. Mr. Black responded that there were no bedrooms in the basement.

S. O'Neill: Motion to close the public portion of the hearing.

B. Gramer: 2nd the motion.

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. O'Neill: Motion to approve the Temporary Independent Living Quarters (T.I.L.Q.) Special Permit for 41 Phalanx Street contingent on the Building Department requirement of the addition of a second means of egress to the exterior from the proposed bedroom within 6 months of special permit approval; and the acquisition of the proper permits to upgrade the smoke and carbon monoxide detectors in the home; and the final approval of the Fire Department and Building Inspector.

In accordance with Section 1.16.14 of the Zoning By-Law the Planning Board finds that this proposed use:

Is in harmony with the purpose and intent of this By-Law;

Will not be detrimental or injurious to the neighborhood in which it is to take place;

Is appropriate for the site in question;

Complies with all applicable requirements of this By-Law.

W. Gramer: 2nd the motion.

Roll Call Vote:

Steve O'Neill: Yes

Steve Nocco: Yes

Tom Delmore: Yes

Bill Gramer: Yes

Jim Miller: Absent

Passes: 4-0-1

Discussion

72 Red Gate Road – Concern with Detention Basin on Morgan Way

S. O'Neill: Motion to table this discussion until Planning Board engineer Jesse Johnson is present to deliver his report.

B. Gramer: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 1

Passes: 4-0-1

Administrative

The minutes from the August 5 & 19, 2010 meeting still require some amendments and therefore were not approved.

8:30pm

S. O'Neill: Motion to adjourn

B. Gramer: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 1

Passes: 4-0-1

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant